

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST : FINAL DECISION AND ORDER  
: LS06101811APP  
RICHARD G. EIBERGER, :  
RESPONDENT. :

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Division of Enforcement Case No. 06 APP 023

The parties to this action for the purposes of Wis. Stat. sec. 227.53 are:

Richard G. Eiberger  
N1033 Marten Road  
Fremont, Wisconsin 54940

Real Estate Appraisers Board  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Richard G. Eiberger (Date of Birth: July 28, 1946) possesses a certificate of licensure and a certificate of certification to practice in the state of Wisconsin as a Certified Residential Appraiser and Licensed Appraiser (certificate number 9-720). These certificates were first granted on August 23, 1993, and are current until December 14, 2007.
2. Mr. Eiberger's most recent address known to the Department of Regulation and Licensing (hereinafter Department) is N1033 Marten Road, Fremont, Wisconsin 54940.
3. Each person possessing certificates of licensure and certification to practice as a Certified Residential Appraiser and Licensed Appraiser must renew those certificates of licensure and certificates of certification biennially, by January 1 of each even-numbered year. [Wis. Stat. sec. 440.08(2)(a)11m.]
4. To be eligible to renew the certificates of licensure and certification for the next biennial registration period, the licensee must have completed at least 28 hours of Department approved continuing education in the previous biennial registration period. [Wis. Stat. sec. 458.13, and Wis. Admin. Code § RL 85.01(1)]
5. Prior to December 31, 2005, the Department sent Mr. Eiberger a Certified Residential Appraiser and Licensed Appraiser Renewal Application to execute and return with the required fee if Mr. Eiberger wished to renew his certificates of licensure and certification in the state of Wisconsin for the January 1, 2006, through December 14, 2007, biennium. That Certified Residential Appraiser and Licensed Appraiser Renewal Application contains the following language, immediately above the line which Mr. Eiberger was to date and sign:

“I have completed 28 hours of Department-approved education credits, including at least 7 hours in the Uniform Standards of Professional Appraisal Practice (USPAP), between January 1, 2004 and December 31, 2005. I have evidence of this which I will furnish to the Department upon request.”

That Certified Residential Appraiser and Licensed Appraiser Renewal Application contains the following language immediately below the line which Mr. Eiberger was to date and sign:

“MAKING A FALSE STATEMENT IN CONNECTION WITH ANY APPLICATION FOR CREDENTIAL IS GROUNDS FOR REVOCATION OR DENIAL.”

6. On December 21, 2005, Mr. Eiberger completed and signed the Certified Residential Appraiser and Licensed Appraiser Renewal Application certifying that he had completed the continuing education requirements of the Real Estate Appraisers Board during the January 1, 2004, through December 31, 2005, biennium. A copy of the Certified Residential Appraiser and Licensed Appraiser Renewal Application, dated December 21, 2005, is attached as Exhibit A and is incorporated herein by reference.

7. As part of a random audit which the Real Estate Appraisers Board conducted of its licensees, Mr. Eiberger was sent a letter, dated January 27, 2006, requesting that he send the Board verification that he had completed the 28 hours of approved continuing education, which he had claimed to have completed prior to renewing his certificates of licensure and certification for the January 1, 2006, through December 14, 2007, biennium.

8. Mr. Eiberger submitted documentation that he had completed the 28 hours of approved continuing education hours during the January 1, 2004, through December 31, 2005, biennium. One of the courses completed by Mr. Eiberger, however, was not approved by the Department. That course was not included in the total for the 28 hours of approved continuing education needed and Mr. Eiberger, consequently, did not have the required approved continuing education hours need in the January 1, 2004, through December 31, 2005, biennium. Mr. Eiberger completed only 18 hours of approved continuing education during the January 1, 2004, through December 31, 2005, biennium.

9. Mr. Eiberger did not complete the required 28 hours of approved continuing education during the January 1, 2004, through December 31, 2005, biennium, prior to renewing his certificates for the January 1, 2006, through December 14, 2007, biennium.

10. Mr. Eiberger made a material misstatement on his December 21, 2005, Certified Residential Appraiser and Licensed Appraiser Renewal Application when he attested that he had completed 28 hours of approved continuing education during the January 1, 2004, through December 31, 2005, biennium.

#### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction over this matter, pursuant to Wis. Stat. sec. 458.26, and Wis. Admin. Code Ch. RL 85.

2. The Wisconsin Real Estate Appraisers Board is authorized to enter into the attached stipulation, pursuant to Wis. Stat. sec. 227.44(5).

3. By not completing the required 28 continuing education hours during the required time frame Richard G. Eiberger has violated:

- a. Wis. Stat. sec. 458.13. Continuing Education Requirements.
- b. Wis. Stat. sec. 458.26(3)(a). Made a material misstatement in an application for the certificate or renewal of the certificate or in any other information furnished to the Board or Department.
- c. Wis. Stat. sec. 458.26(3)(b). Engaged in unprofessional conduct in violation of

rules promulgated under Wis. Stat. sec. 458.24.

- d. Wis. Stat sec. 458.26(3)(i). Violated this chapter or any rule promulgated under this chapter.
- e. Wis. Admin. Code § RL 85.01. Continuing Education Requirements.

## **ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED that:**

1. The Real Estate Appraiser Board **accepts the SURRENDER** of the certificate of licensure and a certificate of certification to practice in the state of Wisconsin as a Certified Residential Appraiser and Licensed Appraiser of Richard G. Eiberger (certificate number 9-720).
2. Should Mr. Eiberger reapply for Wisconsin certificate of certification and certificate of licensure, the Real Estate Appraisers Board may in its sole discretion determine whether, and under what terms and conditions, the certificate of certification and certificate of licensure may be reissued.
3. The effective date of the board's Order is the date of signing by the Board's chair or designee.

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel  
On Behalf of the Board

10-18-2006  
Date

12/31/2005 214.00  
If late, add \$25.00

DEPARTMENT OF REGULATION AND LICENSING  
CERTIFIED RESIDENTIAL APPRAISER AND LICENSED APPRAISER

STATUS  
ACTIVE

PIN: REPTD3

Amt Pd 3

214.00

PLEASE COMPLETE THE BACK OF THIS FORM IN ORDER TO RENEW

Payment by Credit Card: ☐ VISA ☐ MASTERCARD ☐ AMEX ☐ DISCOVER Exp. Date \_\_\_\_\_  
 \_\_\_\_\_ Signature \_\_\_\_\_

PLEASE PRINT NAME/ADDRESS  
CHANGES IN SPACE BELOW

☐ PLEASE DO NOT DISCLOSE MY NAME/ADDRESS ON LISTS

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
PO BOX 2974  
MILWAUKEE WI 53201-2974

RICHARD G EIBERGER  
N1033 MARTEN RD  
FREMONT WI 54940

DO NOT WRITE BELOW THIS POINT

00900007200002140000239006

TO AVOID A LATE PENALTY FEE, YOUR RENEWAL APPLICATION AND FEE MUST ACTUALLY BE RECEIVED BY THE DEPARTMENT ON OR BEFORE THE DUE DATE. THE DATE OF MAILING, AS INDICATED BY A POSTMARK, IS NOT EVIDENCE OF RECEIPT.

FULL PAYMENT INCLUDING ANY PENALTY FEES THAT MAY APPLY MUST BE RECEIVED BY THE DEPARTMENT BEFORE YOUR LICENSE WILL BE ISSUED. IF YOU DO NOT APPLY FOR RENEWAL BY THE RENEWAL DEADLINE, YOUR LICENSE WILL EXPIRE AND YOU MAY NOT USE CERTAIN TITLES, AS NOTED ABOVE.

0000760 0007 04 000069 0016 122305 REGS & LICENSING 610

PLEASE COMPLETE THE FOLLOWING INFORMATION WHICH IS REQUIRED IN ORDER TO RENEW YOUR LICENSE:

☒ I have completed 28 hours of Department-approved continuing education credits, including at least 7 hours in the Uniform Standards of Professional Appraisal Practice (USPAP), between January 1, 2004 and December 31, 2005. I have evidence of this which I will furnish to the Department upon request.

OR

☐ If initial credential was granted in 2005, I have completed 14 hours of Department-approved continuing education credits, including at least 7 hours in the Uniform Standards of Professional Appraisal Practice (USPAP), between January 1, 2004 and December 31, 2005. I have evidence of this which I will furnish to the Department upon request.

Date: 12-21-05

Signature: Richard K. Eiberger

**MAKING A FALSE STATEMENT IN CONNECTION WITH ANY APPLICATION FOR CREDENTIAL IS GROUNDS FOR REVOCATION OR DENIAL.**

STATE'S  
EXHIBIT

A

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST : STIPULATION  
 : LS# \_\_\_\_\_  
RICHARD G. EIBERGER, :  
RESPONDENT. :

Division of Enforcement Case No. 06 APP 023

It is hereby stipulated between Richard G. Eiberger, Respondent, and John C. Temby, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Mr. Eiberger by the Division of Enforcement (06 APP 023). Mr. Eiberger consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Eiberger understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Mr. Eiberger is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this Stipulation.
4. Mr. Eiberger agrees to the adoption of the attached Final Decision and Order by the Real Estate Appraisers Board (hereinafter “Board”). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Mr. Eiberger waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and the member of the Board assigned as advisor in this investigation may appear before the Board in open and closed session, without the presence of Mr. Eiberger or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board’s deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Mr. Eiberger is informed that should the Board adopt this Stipulation, the Final Decision and Order is a public record and will be published in accordance with standard Department procedures.

8. The Division of Enforcement joins Richard G. Eiberger in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

\_\_\_\_\_  
**Richard G. Eiberger**  
Respondent  
N1033 Marten Road  
Fremont, Wisconsin 54940  
License Number: 9-720

\_\_\_\_\_  
Date

\_\_\_\_\_  
**John C. Temby**  
Attorney  
Division of Enforcement  
Post Office Bx 8935  
Madison, Wisconsin 53708-8935

\_\_\_\_\_  
Date